

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH J. BENZ,

Defendant.

**4:13CR3121**

**MEMORANDUM AND ORDER**

Defendant has moved for additional time to prepare this case for trial. (Filing No. 19). As explained in the motion, the defendant needs to further investigate this case and undergo an examination in support of the defense raised in his Rule 12.2 notice. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

**IT IS ORDERED:**

- 1) Defendant's motion for additional time, (filing no. 19), is granted.
- 2) A telephonic conference with the undersigned magistrate judge will be held on **May 13, 2014 at 10:00 a.m.** to discuss trial scheduling. The defendant, defense counsel, and counsel for the government shall participate in the call. The court will provide call in information to attend the conference call.
- 3) Based upon the showing set forth in the defendant's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the additional time arising as a result of the granting of the motion, the time between today's date and May 13, 2014, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7).

March 12, 2014.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge